## CALIFORNIA ENERGY COMMISSION

1516 Ninth Street Sacramento, CA 95814-5512

## **WEBSITES**

Main website: www.energy.ca.gov
Data and statistics: www.energyalmanac.ca.gov
Children's website: www.energyquest.ca.gov
Consumer Information: www.ConsumerEnergyCenter.org



February 1, 2010

## Update Regarding the Process for Complying With Section 106 of the National Historic Preservation Act

On January 12, 2010, the Energy Commission issued an Addendum to PON-09-001 for the Energy Efficiency and Conservation Block Grant Program, and provided applicants with additional information concerning the process for complying with Section 106 of the National Historic Preservation Act (NHPA). Since that time, the Energy Commission has developed several forms and additional information to expedite the Section 106 review process. These forms and additional information are discussed below.

Prior to the expenditure of EECBG Program fund, the Energy Commission and applicants must comply with Section 106 of the NHPA. Section 106 applies to historic properties that are listed in or eligible for listing in the National Register of Historic Places. In order to fulfill the requirements of Section 106, the Energy Commission and applicants must consult with the California State Historic Preservation Officer (SHPO) to ensure proposed projects will have no adverse effects on any historic resources.

The Energy Commission has worked with the SHPO to streamline the Section 106 consultation process and to categorically exclude some projects from the SHPO's direct review and consultation. Because of their nature, these categorically excluded projects cannot impact historic resources. The categorically excluded projects are identified in the SHPO's December 29, 2009 letter to the Energy Commission and include 1) undertakings for planning, training and educational purposes, 2) undertakings to replace equipment on existing building or structures that result in no building or structure changes or ground disturbances, and 3) undertakings on buildings or structures less than 45 years of age that will result in no ground disturbances. Projects that are categorically excluded from the SHPO's direct review and consultation will be deemed to have satisfied Section 106 of NHPA without further review or involvement by the SHPO.

The Energy Commission will evaluate projects to determine whether such projects are categorically excluded from the SHPO's direct review and consultation pursuant to the SHPO's December 29, 2009 letter. If projects are categorically excluded, the Energy Commission will issue the project applicant a clearance letter on the SHPO's behalf.

In order for the Energy Commission to determine whether a given project is categorically excluded from the SHPO's direct review and consultation, the applicant must prepare a Consultation Package with the information specified in Attachments 1-3.

The Consultation Package should be mailed to:

Michelle C. Messinger
Planner II
California Energy Commission
Siting, Transmission and Environmental Protection Division (STEPD)
Cultural Resources Unit
1516 9<sup>th</sup> Street, MS 40
Sacramento, CA 95814-5512

If the Energy Commission determines that a project is not categorically excluded from the SHPO's direct review and consultation, the Energy Commission will forward the project information to the SHPO and request an expedited review. The additional information the SHPO will require for the review of a proposed undertaking are outlined in Attachment 3. under Part II.

Applicants with any questions concerning the NHPA requirements should contact Michelle C. Messinger in the Cultural Resources Unit at (916) 654-6960 or by e-mail at mailto: MMessing@energy.state.ca.us